

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT  
BOARD FOR PUERTO RICO,

as representative of,

THE COMMONWEALTH OF PUERTO RICO *et al.*,

Debtors.<sup>1</sup>

PROMESA Title III

Case No. 17 BK 3283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT  
BOARD FOR PUERTO RICO,

as representative of,

PUERTO RICO HIGHWAYS AND TRANSPORTATION  
AUTHORITY,

Debtor.

PROMESA Title III

Case No. 17 BK 3567-LTS

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<sup>1</sup> The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's Federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico ("Commonwealth") (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 04780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

**RESERVATION OF RIGHTS OF ASSURED GUARANTY CORP., ASSURED  
GUARANTY MUNICIPAL CORP., AND NATIONAL PUBLIC FINANCE  
GUARANTEE CORPORATION, IN THEIR CAPACITY AS HTA BONDHOLDERS,  
WITH RESPECT TO THE DRA PARTIES' AMENDED MOTION AND  
MEMORANDUM OF LAW IN SUPPORT OF THEIR REQUEST FOR ADEQUATE  
PROTECTION OR RELIEF FROM THE AUTOMATIC STAY (ECF NO. 16276)**

Assured Guaranty Corp. (“AGC”), Assured Guaranty Municipal Corp. (“AGM”, and together with AGC, “Assured”), and National Public Finance Guarantee Corporation (“National”), solely in their capacity as holders or insurers of bonds issued by HTA (together, in such capacity, the “HTA Bondholders”),<sup>2</sup> hereby submit this reservation of rights (the “Reservation of Rights”) with respect to the *DRA Parties’ Amended Motion and Memorandum of Law in Support of Their Request for Adequate Protection or Relief From the Automatic Stay* (ECF No. 16276)<sup>3</sup> (the “Motion”) and respectfully state as follows:

**RESERVATION OF RIGHTS**

1. Through the Motion, AmeriNational Community Services LLC and Cantor-Katz Collateral Monitor LLC (the “DRA Parties”) seek an order granting the DRA Parties adequate protection for their alleged property interests in certain excise taxes levied pursuant to Acts 30 and 31 of 2013 (the “Act 30/31 Revenues”) or otherwise granting relief from the automatic stay. *See* Motion ¶ 47. In the Motion, the DRA Parties incorrectly assert that they have a priority security interest in Act 30/31 Revenues. *See id.* at 3 (asserting that the HTA Bondholders do not

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<sup>2</sup> On February 22, 2021, Assured and National conditionally joined a plan support agreement “solely in their capacities as insurers, and asserted holders, deemed holders, or subrogees with respect to GO Bonds and PBA Bonds,” each as defined in that plan support agreement. For the avoidance of doubt, Assured and National do not file this Reservation of Rights in their capacities as insurers, and asserted holders, deemed holders, or subrogees with respect to GO Bonds and PBA Bonds.

<sup>3</sup> Unless otherwise indicated, ECF numbers referenced in this Reservation of Rights refer to the docket in Case Number 17-3283-LTS.

hold a lien on Act 30/31 Revenues prior to their deposit in certain accounts); *Id.* ¶¶ 51-52 (asserting the DRA Parties hold a priority security interest in Act 30/31 Revenues).

2. On September 28, 2020, the Court entered an *Order Approving Joint Stipulation of the Government Parties and the DRA Parties Regarding the DRA Parties’ Motion and Memorandum of Law in Support of Their Motion for Relief From the Automatic Stay, or in the Alternative, Ordering Payment of Adequate Protection* (the “Scheduling Order”). See ECF No. 14417. Pursuant to the Scheduling Order, the Court will first receive briefing on limited issues pertaining to the DRA Parties’ standing. See Scheduling Order ¶¶ 3-5. Prior to the Court resolving this limited standing issue, the Scheduling Order does not contemplate briefing on other substantive issues, including issues related to the DRA Parties’ asserted property interests or the priority of the DRA Parties’ liens and claims. See *id.* These other substantive issues are to be addressed at a later date that has not yet been established.

3. The HTA Bondholders disagree with many of the assertions made by the DRA Parties in their Motion with respect to their alleged property interests in the Act 30/31 Revenues. However, in light of the limited standing issues currently scheduled to be addressed by the Court, the HTA Bondholders will refrain from addressing those issues at this juncture.

4. The HTA Bondholders reserve their rights to file objections or any other responses to the Motion in the event that the Court determines that the DRA Parties have standing to file the Motion or to otherwise seek the relief sought in the Motion.

5. Furthermore, in the event the briefing on the “Standing Issue,” as defined in the Scheduling Order, were to address or otherwise implicate substantive issues related to property interests or any other priority, the HTA Bondholders reserve the right to respond to that briefing. See Scheduling Order ¶ 3.

6. The HTA Bondholders further reserve their right to join in any response filed by the Debtors or other parties in interest to the Motion.

Dated: April 21, 2021  
New York, New York

CASELLAS ALCOVER & BURGOS P.S.C.

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**CERTIFICATE OF SERVICE**

I hereby certify that I filed this document electronically with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to all parties of record in the captioned case.

At New York, New York, 21<sup>st</sup> day of April, 2021.

By: /s/ Howard R. Hawkins, Jr  
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